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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

EILEEN EPSTEIN, individually and on behalf)	CIV. NO. C-08-02800 MMC
of all others similarly situated,)	
Plaintiff,)	
v.)	UNOPPOSED MOTION TO STAY
TYSON FOODS, INC., a Delaware corporation,)	PROCEEDINGS and PROPOSED
Defendant.)	ORDER
)	
)	
)	

UNOPPOSED MOTION TO STAY PROCEEDINGS

This action is one of at least ten putative class actions filed against Tyson Foods, Inc. in which Plaintiffs sue on behalf of themselves and a proposed class of consumers who purchased Tyson's "Raised Without Antibiotics" or "Raised Without Antibiotics that impact antibiotic resistance in humans" chicken or chicken products.¹ The Plaintiffs in two of these cases, *Cutsail v. Tyson Foods, Inc.*, and *Cohen v. Tyson Foods, Inc.*, have petitioned the Judicial Panel on Multidistrict Litigation to

¹ The other actions are *Mariko Cohen, et al. v. Tyson Foods, Inc.*, Case No. 4:08-cv-0366-JMM (E.D. Ark.); *Denise Court v. Tyson Foods, Inc.*, Case No. 3:08-cv-5392 FDB (W.D. Wash.); *Norman and Mary Cutsail v. Tyson Foods, Inc.*, Case No. 08-cv-01643-RDB (D. Md.); *Diane Wright, et al., v. Tyson Foods, Inc.*, Case No. 1:08-cv-03022 (D.N.J.); *Johnnie M. Gupton v. Tyson Foods, Inc.*, Case No. 4:08-CV-0587 WRW (E.D. Ark.); *Marcia Kranish, et. al. v. Tyson Foods, Inc.*, Case No., 08-CV-01619-RDB (D. Md.); *Rosalyn Mize, et al., v. Tyson Foods, Inc.*, Case No. 4:08-CV-04051-HFB (W.D. Ark.); *Mary F. Wilson v. Tyson Foods, Inc.*, No. 4:08-cv-0557 (E.D. Ark.); *John K. Zukowsky, et al. V. Tyson Foods, Inc.*, Case No. 4:08-CV-0584 BSM (E.D. Ark.).

~~PROPOSED~~ ORDER

Upon Stipulation of the parties, and good cause appearing,

1. All proceedings in this action are **STAYED** as to all parties for an initial period of 90 days from the date of this Order.

2. If the Judicial Panel on Multidistrict Litigation does not render a ruling on the petition for coordination or consolidation of pretrial proceedings pursuant to 28 U.S.C. §1407 within 90 days from the date of this Order, then within ten business days after the 90-day period elapses, the parties will confer and file a status report with the Court stating the parties' positions whether the stay should be lifted or extended.

3. The parties shall notify the Court by letter of the Panel's decision regarding the transfer and coordination within five business days after the decision is received.

4. The Case Management Conference is **CONTINUED** from September 5, 2008 to November 14, 2008. A Joint Case Management Statement shall be filed no later than Nov. 7, 2008.

IT IS SO ORDERED.

Dated: July 24, 2008


HONORABLE MAXINE M. CHESNEY
United States District Court Judge